



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/649,639 08/28/00 HARRISON

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EXAMINER

WM02/0119

LARRY D JOHNSON
175 N REDWOOD DRIVE
SUITE 130
SAN RAFAEL CA 94903

POPE, D

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

01/19/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/649,639

Applicant(s)

HARRISON

Examiner

DARYL C. POPE

Group Art Unit
2736



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogle(5,406,276).

-- In considering claims 1,8, and 10, the claimed subject matter that is met by Ogle includes:

1) the claimed plurality of signal heads including at least one light source is met by the light emitters(44);

2) the claimed activation means is met by the pressure sensitive sensor(60) and IR detector(66).

- Ogle does not show:

1) the claimed signal heads mounted in the roadway;

2) the claimed beam of light directed in the direction of the approaching vehicle.

Although Ogle does not specifically show the signal heads mounted in the roadway, Ogle does show the signal heads mounted in a manner such as to define a pedestrian crosswalk as seen in figure 1. Furthermore, although Ogle does not show the light beams being directed towards an

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approaching vehicle, Ogle does show the light beams being directed in a manner such that the crosswalk, and as well pedestrian would be seen in a manner that would have been highly recognizable by approaching vehicles. Since the overall purpose of the system of Ogle is to illuminate a crosswalk area in a manner such that pedestrians in the crosswalk would have been highly noticeable by approaching vehicles, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the signal heads in the roadway with an above pavement height of $\frac{1}{2}$ to $\frac{3}{4}$ inches and as well to direct the light beam in a vertical angular range of 0 degrees to 5 degrees or in any desirable direction which would have ensured that oncoming drivers would have visibly recognized the light beams and as well pedestrians in the crosswalk so as to reduce the possibilities of the danger of collision of the vehicles with the pedestrians.

-- Claims 2-3 recite subject matter that was met as discussed in claim 1 above(see: column 3, lines 31-40).

-- In considering claim 4, use of ambient light sensing mechanisms for detecting ambient conditions in the environment of light generating devices is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an ambient light sensing circuit into the system of Ogle, since one of ordinary skill in the art would have recognized the necessity of intensifying the light beams during the day time so as to ensure that the light beams would have been recognizable by oncoming vehicle. As well, all other claimed subject matter is met as discussed in claim 8 above.

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-- In considering claims 5-6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate data storage circuitry into the system of ogle, since the examiner takes Official Notice as to the use of data storage circuitry and report generation circuitry in the art of intersection warning and indication systems. Therefore, use of data storage circuitry and report generation circuitry in the system of Ogle would have allowed the system to be calibrated in a manner that would have produced the most efficient results with regards to the usage of the crosswalk warning lights. As well, all other claimed subject matter is met as discussed in claim 8 above.

-- In considering claim 7, although the use of solar power circuitry is not specifically shown by Ogle, the examiner takes Official Notice that the use of various power sources, including solar power, is well known in the art of traffic signal systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate solar power circuitry into the activation means of Ogle, since this would have provided a reliable and inexpensive means of powering the system. As well, all other claimed subject matter is met as discussed in claim 8 above.

-- Claim 9 recites subject matter that was met as discussed in claim 1 above.

Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 308-9051(for formal communications intended for entry)

Or:

(703) 305-3988(for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 8:30 to 6:00. The examiner can also be reached on alternate Fridays from 8:30 to 6:00 since the examiner works on a flex-time schedule in which every other Friday is the examiner's day off.

All interviews requested, whether personal or telephonic, are to be scheduled for times during the examiner's work hours between Tuesdays-Thursdays during the week in which the examiner has that Friday off. All other time periods requested will only be scheduled on an emergency basis.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Daryl C. Pope


DARYL POPE
PRIMARY EXAMINER

Jan. 8, 2000